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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,862	01/11/2001	Darren J. Longhorn	001350	9581

24118 7590 08/09/2004
HEAD, JOHNSON & KACHIGIAN
228 W 17TH PLACE
TULSA, OK 74119

EXAMINER

SHELTON, BRIAN K

ART UNIT PAPER NUMBER

2611

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,862

Applicant(s)

LONGHORN ET AL.

Examiner

Brian Shelton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/2/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to the Application filed 11 January 2001 and the Preliminary Amendment filed 11 January 2001.
2. The Application has been examined. **Original claims 1-7** are pending. The rejections cited are as stated below:

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1 and 3** are rejected under 35 U.S.C. 102(b) as being anticipated by Billock et al. (Billock), U.S. Patent No. 5,619,249.

Regarding **claim 1**, Billock discloses a system for use with broadcast data where at least a proportion of said data is selectively broadcast following a user selection at a broadcast data receiver (Fig. 5, graphics computer 30; see col. 8, lines 9-18 and col. 8, lines 31-39 [receiving programming selected by viewer]; see col. 17, lines 15-45 [detailing selection routine executed at graphics computer 30]), using a video on demand system ("demand telecasting service",

Fig. 2, col. 4, lines 43-58) wherein information relating to the assets of the video on demand data is provided at the receiver for said video on demand data in the form of at least one information table (col. 13, lines 44-58, where program ids, program names and categories (i.e., information table) is transmitted to graphics computer 30) which is referred to by the receiver apparatus in the processing of said data to allow the display of the selected material to the user (col. 17, lines 15-50 [graphics computer 30 transmitting selected program id to telecasting facility 12 and subsequent display of selected program])).

As for **claim 3**, Billock discloses the data for the table is provided within the receiver memory (col. 8, lines 19-30 [memory of graphics computer 30; see col. 13, lines 44-49 [describing table data, including program ids and program names, received at graphics computer 30], col. 14, lines 48-67 [graphics computer 30 listing program names] and col. 17, lines 27-30 [graphics computer transmits program id of selected program to telecasting facility], where receiving program names and program ids, displaying program names locally, and transmitting a selected program id inherently discloses data for the table is provided within the receiver memory (e.g., the table is stored locally in receiver memory)).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Billock et al. (Billock), U.S. Patent No. 5,619,249 in view of Ellis et al. (Ellis), U.S. Patent No. 5,619,249.

As for **claim 2**, Billock discloses the assets of the video on demand data are set out in a table of information in the receiver, which is an asset information table ("second information table") which provides the receiver, information which defines and relates to video on demand assets that are indicated as being available (col. 13, lines 44-58). However, Billock fails to disclose an asset availability table, as claimed.

Ellis, though, in an analogous art, teaches an asset availability table which specifies to the receiver processing video on demand data the assets which may be viewed on the network (Fig. 4; col. 7, lines 11-26 [transmission of program listings to receiver with information on which listings to block]; see col. 7, lines 27-57 [describing access controls (i.e., what programming to block)]) for the benefit of blocking the display of program (e.g., asset) information containing potentially objectionable material to minors (see col. 1, line 62 – col. 2, line 7).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the asset data of Billock to incorporate an asset availability table which specifies to the receiver processing the video on demand data, assets which may be viewed on the network to which the user is a subscriber, as taught by Ellis, for the benefit of blocking the display of program (e.g., asset) information containing potentially objectionable material to minors in a video on demand system.

7. **Claims 4-5 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Billock et al. (Billock), U.S. Patent No. 5,619,249 in view of Hawkins et al. (Hawkins), U.S. Patent No. 6,005,561.

As for **claim 4**, Billock fails to disclose information data for the tables is transmitted at intervals, as claimed.

However, Hawkins, in an analogous art, teaches transmitting information data at intervals to the receiver (col. 13, lines 1-9; col. 14, lines 12-16; col. 15, lines 11-26 [selection of desired video based on received VOD media object data]; see col. 12, lines 14-16) for the benefit of reducing the overhead at the server and minimizing non-revenue generating activity (col. 8, lines 25-48 and col. 12, lines 39-46).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the information data of Billock to

incorporate information data for the table transmitted at intervals to the receiver, as taught by Hawkins, for the benefit of reducing the overhead at the server and minimizing non-revenue generating activity in a video on demand system.

Regarding **claim 5**, Billock discloses a format and system for the broadcast of data which can be received by a broadcast data receiver (Fig. 5, graphics computer 30; col. 8, lines 9-18; col. 13, lines 44-58, where program ids, program names and categories (i.e., information table) is transmitted to graphics computer 30) and selectively processed to allow the generation of video and/or audio for viewing and/or listening by a user of the apparatus (col. 17, lines 15-50 [graphics computer 30 transmitting selected program id to telecasting facility 12 and subsequent display of selected program]), said format allowing the description and allocation of assets relating to data known as video on demand data (col. 6, line 61 – col. 7, line 15; see col. 4, lines 43-58) and wherein the information relating to assets of identifiable portions of the broadcast data is held in memory at the broadcast data receiver (col. 8, lines 19-30 [memory of graphics computer 30; see col. 13, lines 44-49 [describing table data, including program ids and program names, received at graphics computer 30], col. 14, lines 48-67 [graphics computer 30 listing program names] and col. 17, lines 27-30 [graphics computer transmits program id of selected program to telecasting facility], where receiving program names and program ids, displaying program names locally, and transmitting a selected program id inherently discloses data for the table is

provided within the receiver memory (e.g., the table is stored locally in receiver memory)).

Billock, though, fails to disclose some of the data being received along with broadcast data, separating, and storing the data by the receiver, as claimed.

However, Hawkins, in an analogous art, teaches receiving video on demand data along with broadcast data (col. 13, lines 1-9; col. 14, lines 12-16; col. 15, lines 11-26 [selection of desired video based on received VOD media object data]), separating the video on demand data from the broadcast data (col. 15, lines 13-20 [locating VOD media object and subsequent selection based on data]; see col. 13, lines 32-41 [media objects transmitted in MPEG transport stream]), and storing the video on demand data by the receiver for subsequent reference (col. 12, lines 25-39) for the benefit of reducing the overhead at the server and minimizing non-revenue generating activity (col. 8, lines 25-48 and col. 12, lines 39-46).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the video on demand data of Billock to incorporate at least some of the data having been received along with the broadcast data and separated from the same and stored by the receiver for subsequent reference, as taught by Hawkins, for the benefit of reducing the overhead at the server and minimizing non-revenue generating activity in a video on demand system.

The limitation of **claim 7** is encompassed by the teachings of Billock in view of Hawkins, as discussed above relative to claim 5. Specifically, Hawkins discloses the asset data is transmitted to the broadcast data receiver as an extension to the transmission of data for a digital video broadcast service information (col. 8, lines 41-48 [service information in MPEG stream]; col. 13, lines 30-42 [media objects transmitted in MPEG stream]; col. 13, lines 30-42 and col. 15, lines 11-26 [VOD asset media objects]).

8. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Billock et al. (Billock), U.S. Patent No. 5,619,249 in view of Hawkins et al. (Hawkins), U.S. Patent No. 6,005,561, as applied to claim 5, further in view of Ellis et al. (Ellis), U.S. Patent No. 6,732,367.

As for **claim 6**, Billock discloses asset data stored in a group ("second group") identifying assets of the accessible data (col. 8, lines 19-30 [memory of graphics computer 30; see col. 13, lines 44-49 [describing table data, including program ids and program names, received at graphics computer 30], col. 14, lines 48-67 [graphics computer 30 listing program names} and col. 17, lines 27-30 [graphics computer transmits program id of selected program to telecasting facility], where receiving program names and program ids, displaying program names locally, and transmitting a selected program id inherently discloses data for the table is provided within the receiver memory (e.g., the table is stored

locally by the receiver memory). Billock, though, fails to disclose storing information in a first group identifying which portions of the broadcast data are accessible, as claimed.

However, Ellis, in an analogous art, teaches asset data stored in a group identifying which portions of the broadcast data are accessible for viewing by a user in accordance with specific access controls for a specified user (Fig. 4; col. 7, lines 11-26 [transmission of program listings with information on which listings to block]; see col. 7, lines 27-57 [describing access controls (i.e., what programming to block)]) for the benefit of blocking the display of program (e.g., asset) information containing potentially objectionable material to minors (see col. 1, line 62 – col. 2, line 7).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the asset data of Billock in view of Hawkins to incorporate a first group identifying which portions of the broadcast data is accessible for viewing and/or listening by a user in accordance with specific access controls for the specified user, as taught by Ellis, for the benefit of blocking the display of program (e.g., asset) information containing potentially objectionable material to minors in a video on demand system.

Conclusion

9. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in

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such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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P.O. Box 1450
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on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ - _____ on _____
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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Shelton whose telephone number is (703) 305-8714. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Shelton
Examiner
Art Unit 2611

BS


CHRIS GRANT
PRIMARY EXAMINER